

REMARKS

Applicant respectfully requests that the foregoing amendments be entered at least because they narrow the issues for appeal.

Claim 13 is cancelled. Claim 1 has been amended to include the limitations of claim 13. In addition, claims 3, 6 and 8 are currently being amended.

This amendment changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3, 6 and 8-10 are now pending in this application.

Claim Rejections under 35 U.S.C. § 103

Claims 1-3, 6, 8-10 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0005278 “Deng” in view of U.S. Patent Publication No. 2004/0125782 (“Chang”). In response, without agreeing or acquiescing to the rejection, Applicant has cancelled claim 13 and amended independent claim 1. Further, Applicant respectfully traverses the rejection for the reasons set forth below.

Applicant relies on MPEP § 2143.03, which requires that all words in a claim must be considered in judging the patentability of that claim against the prior art. Here, the cited references do not identically disclose, teach or suggest all the claim limitations. *See In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Independent claim 1 is directed to a method for a data processing device exchanging data with a computer, comprising in addition to other steps “*wherein a plurality of startup data areas are setup in said storage module for storing said auto-running file and/or one of said programs respectively, and said step 1 to step 5 are executed respectively for each of the startup data areas.*”

In contrast, the cited references do not disclose, teach or suggest each and every element recited in independent claim 1. Deng is directed to a multifunction semiconductor storage device. As the examiner stated, Deng discloses that the storage of the device can be split into a plurality of storage spaces, and one or more of the spaces may be setup as a buffer area and special information areas may contain information about the storage device. However, the special information area in Deng is “used to store information about the storage device, such as the record of the bad blocks of the flash memory, the passwords and the digital signatures of the users, etc.” The content and function of the above special information is absolutely different from the content and function of the claimed “said auto-running file and/or said program.” The Office Action acknowledges that Deng fails to disclose “a plurality of startup data areas are setup in said storage module for storing said auto-running file and/or said program respectively, said step 1 to step 5 are executed respectively for each of the startup data areas.”

To cure the deficiencies of Deng, the Examiner relies on Chang which simply discloses an AutoRun process *in a first computing device* for automatically launching software components located in *a separate communication device*. See ¶ [0007]. In contrast, the claimed data processing device includes a storage module “*wherein a plurality of startup data areas are setup in said storage module for storing said auto-running file and/or one of said programs respectively, and said step 1 to step 5 are executed respectively for each of the startup data areas.*” Accordingly, the claimed method requires that the auto-running file be stored on the data processing device itself and not a separate computing device as disclosed in Chang. Further, neither Deng nor Chang disclose executing said step 1 to step 5 for each of the startup data areas storing said auto-running file and/or said program.

When determining whether a claim is obvious, an examiner must make “a searching comparison of the claimed invention – *including all its limitations* – with the teaching of the prior art.” *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, “obviousness requires a suggestion of all limitations in a claim.” *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)).

Here, the combination of Deng and Chang fail to disclose each and every limitation as claimed in independent claim 1. Claims 2, 3, 6 and 8-10 depend from independent claim 1 and should be allowed for the reasons set forth above without regard to further patentable limitations contained therein.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in the cited references.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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